

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON STATE ADMINISTRATION

**Call to Order:** By DICK SIMPKINS, CHAIR, on February 2, 1993, at 8:05 a.m.

#### ROLL CALL

**Members Present:**

Rep. Dick Simpkins, Chair (R)  
Rep. Wilbur Spring, Vice Chair (R)  
Rep. Ervin Davis, Vice Chair (D)  
Rep. Beverly Barnhart (D)  
Rep. Pat Galvin (D)  
Rep. Bob Gervais (D)  
Rep. Harriet Hayne (R)  
Rep. Gary Mason (R)  
Rep. Brad Molnar (R)  
Rep. Bill Rehbein (R)  
Rep. Sheila Rice (D)  
Rep. Sam Rose (R)  
Rep. Dore Schwinden (D)  
Rep. Carolyn Squires (D)  
Rep. Jay Stovall (R)  
Rep. Norm Wallin (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Sheri Heffelfinger, Legislative Council  
Dorothy Poulsen, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing: HB 266; HB 317; HJR 6  
Executive Action: HB 217; HB 289; HB 292; HJR 6

#### EXECUTIVE ACTION ON HB 217

**Motion:** REP. DAVIS MOVED HB 217 DO NOT PASS.

**Discussion:**

REP. DAVIS alleged the bill created a large disparity in the number of bills which agencies could introduce compared to the number legislators could introduce. He claimed legislators represent more people, with senators representing twice the number as representatives, and yet each legislator is allotted only five bills.

REP. MOLNAR suggested an alternative perspective noting that under HB 217 fifteen bills could be introduced for each senate district. He maintained agencies would need to respond to the day-to-day problems of government and would have more housekeeping bills to introduce. He suggested too many bills are currently introduced to be considered fully in committee.

**Motion:** REP. MOLNAR MADE A SUBSTITUTE MOTION THAT HB 217 DO PASS.

**Discussion:**

REP. REHBEIN said many legislators had campaigned on the issue of limiting the size of state government. He suggested the bill presented a "put up or shut up" opportunity.

REP. BARNHART asked Sheri Heffelfinger about the constitutionality of limiting the number of bills. Ms. Heffelfinger reported that legal opinions in other states have stricken laws with restrictions on the number of bills which legislators may introduce. Those opinions are based on the right of legislators to introduce legislation. She said the question has never been tested in Montana; she also said she was unaware of any court challenges in which limits have prevailed.

REP. SPRING supported HB 217 noting that the electorate is generally disgusted with government. He suggested the legislature could be more effective with fewer bills.

REP. STOVALL stated, as a freshman legislator, he had observed that most of the bills considered were housekeeping bills. He suggested the reason for the number of housekeeping bills was poor legislation from past sessions. With fewer bills to consider he contended the legislation would be better.

REP. GALVIN countered that housekeeping bills were not necessarily so bad.

REP. SCHWINDEN said he opposed HB 217. He maintained housekeeping bills reflect the need for flexibility and responsiveness to change. He suggested passing legislation which was inflexible or was so broad as to encompass every conceivable change would be counter to the goal of creating effective government. He asserted legislators must be able to introduce legislation which responds to changing times.

**REP. ROSE** declared when 19-23% of drafted bills are not introduced, there should be limits.

**REP. SIMPKINS** reported that this session agencies were told to find a legislator to carry their bills, and legislators would be limited to seven bills. As a result, he said agencies had to withdraw many of their bills or try to combine legislation into fewer bills. He noted in Colorado the House has a five-bill limit. They meet annually, however, and committees cannot table bills so all legislation is debated on the floor.

**REP. GALVIN** asked who determined if bills were "throwaways" if they were never introduced. **REP. SPRING** answered sponsors would decide.

**REP. STOVALL** suggested a bill limitation would prevent the legislature from micro-managing state agencies, and agencies could thereby become more efficient.

**REP. MOLNAR** noted this year legislators have a voluntary, seven-bill limit. He said the limit required him to set priorities for the legislation he introduced. He reported he had introduced a bill this session as a political statement which he knew had no chance of passing. He claimed taxpayers should not be forced to pay for legislator's grand-standing.

**REP. DAVIS** addressed several points made by committee members. He pointed out that current law limits legislators to seven bills after December 4. Carry-over senators, however, have no limit on the number of bills they may introduce prior to the deadline. Secondly, he reported he had refused to carry agency bills this session because he had constituent bills. Third, he asserted the need for a clearinghouse. He said seven of his bills were duplicated, and the duplication could have been prevented if the Legislative Council had a clearinghouse.

**REP. SIMPKINS** clarified the provisions of HB 217. He pointed out the bill limited the number of bills which could be introduced, not the number of bill drafts which could be requested. Also, he noted agency bills would not be counted in the limit on legislators; each legislator would be allowed to introduce five bills. He said if HB 217 passes, then the house joint rules would need to address how the Legislative Council would handle bill draft requests.

**REP. BARNHART** stated she still considered constitutionality an issue with HB 217. She said from her perspective if introduced bills do not make it to the House floor, then it is an indication the system is working. She concluded many of the problems which had been discussed would be rectified by annual sessions.

**REP. RICE** addressed several issues with the bill. She stated the bill would not affect the "throwaway" problem because it limits the number of bill introductions, not the number of bill drafts.

She recounted that earlier in the session the committee had eliminated sunrise audits, and the rationale for elimination was the audits may be unconstitutional because they limit access to the legislative process. She asserted the same constitutional issue was involved with HB 217. REP. RICE reported she had worked with REP. HANSON on an interim subcommittee and their efforts had resulted in three bills which must be sponsored by a legislator. She reported REP. HANSON, however, had refused to carry any of the bills. REP. RICE pointed out, according to the fiscal note, no money would be saved by the legislation. REP. RICE concluded her greatest concern with the bill was it assumed every agency and legislator were the same. Every agency can introduce the same number of bills regardless of the size of the agency or the number of statutes which relate to it; every legislator has the same limit regardless of their motivation. Finally, she reported HB 217 actually allows more bill introductions than the number likely to be introduced this session.

REP. GALVIN agreed with REP. RICE and declared the bill unnecessary.

Vote: HB 217 DO PASS. Motion carried 9 to 7 on a roll call vote with REPS. DAVIS, BARNHART, GALVIN, GERVAIS, RICE, SCHWINDEN, and SQUIRES voting no. EXHIBIT 1

#### EXECUTIVE ACTION ON HB 292

##### Discussion:

Sheri Heffelfinger described amendments to HB 292 to direct the PSC adopt standards for electrical safety. EXHIBIT 2

REP. SIMPKINS reported the amendments had been agreed upon by all concerned parties.

Motion: REP. SPRING MOVED HB 292 DO PASS.

Motion/Vote: REP. DAVIS moved to amend HB 292. Motion carried unanimously.

Motion/Vote: REP. SPRING MOVED HB 292 DO PASS AS AMENDED. Motion carried unanimously.

#### EXECUTIVE ACTION ON HB 289

##### Discussion:

Sheri Heffelfinger described the amendments to HB 289 which remove the provision for cash compensation to state employees for excess vacation leave and allow an extension to the end of the calendar year for using the leave. EXHIBIT 3

REP. GALVIN asked whether the bill addressed seniority. Ms. Heffelfinger responded all employees would have the same opportunity for extending the time under the bill.

REP. GALVIN suggested if two employees wanted to take leave at the same time, seniority considerations should be made. Ms. Heffelfinger said internal policies of the agency would determine the issue.

REP. DAVIS said the seniority issue should be left to internal policies and not legislated.

REP. SQUIRES noted the issue would probably be covered under collective bargaining agreements.

Motion: REP. DAVIS MOVED HB 289 DO PASS.

Motion/Vote: REP. SQUIRES moved to amend HB 289. Motion carried unanimously.

Motion/Vote: REP. DAVIS MOVED HB 289 DO PASS AS AMENDED. Motion carried unanimously.

REP. SIMPKINS distributed written testimony in support of HB 217 from Riley Johnson, State Director, National Federation of Independent Business. EXHIBIT 4

#### HEARING ON HJR 6

#### Opening Statement by Sponsor:

REP. BOB PAVLOVICH, House District 70, Butte, introduced HJR 6 which requests the Montana Congressional delegation press for the immediate construction of nursing home facilities at the Veterans' Center at Fort Harrison, Montana. He said the same request has been made since 1979. He reported 108,000 veterans live in Montana and asserted nursing home facilities will be needed for them.

#### Proponents' Testimony:

John E. Sloan, member, American Legion, Veterans of Foreign Wars, and Disabled American Veterans, submitted written testimony in support of HJR 6. EXHIBIT 5

Ron Davis, Disabled American Veterans, stated the need for HJR 6 results from inaction by officials in Washington, D.C. He asserted the Veterans' Administration (VA) has not facilitated construction of the nursing home. He reported 26 veterans are in the VA nursing home in Miles City; other veterans must leave the state for nursing home care. He said veterans need the support of the legislature in urging the federal government to provide

facilities. Mr. Davis explained that Ft. Harrison has the support facilities for a nursing home and yet has never been at the top of the list for facility construction. He urged passage of the resolution.

Hal Manson, American Legion, claimed there were many elderly veterans in Montana, and many of them who are not in good health cannot afford nursing home care. He said he still hoped a nursing home would be built in Glendive, but he said its 80 beds would not be sufficient. He reported there were 26 beds in Miles City and 90 beds in Columbia Falls. He said passage of HJR 6 might help in getting action on the construction.

George Poston, United Veterans of Montana, testified that veterans die three years earlier on average than non-veterans. He claimed needy veterans cannot finance nursing home care. He urged passage of HJR 6.

John Den Herder, Disabled American Veterans, endorsed the testimony of others.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. SPRING asked REP. PAVLOVICH whether more could be done to get action. REP. PAVLOVICH responded he did not know. He said the new president and new official at Veterans' Affairs may be more responsive. REP. SPRING asked whether individual letters of support from committee members would help. REP. PAVLOVICH said anything would help.

REP. STOVALL asked REP. PAVLOVICH whether he had heard from the Montana Congressional delegation. REP. PAVLOVICH said he had not heard anything from them. He reported federal funds for the Glendive nursing home were available but state funds were being held up in the long range building committee.

REP. MOLNAR asked REP. PAVLOVICH whether the nursing home at Ft. Harrison would be in lieu of or in addition to the Glendive facility. REP. PAVLOVICH said he would like to have both facilities, but realistically only one facility is likely to be built.

REP. MOLNAR asked REP. PAVLOVICH which facility veterans would choose as the best for Montana. REP. PAVLOVICH said he would not want to choose. Mr. Sloan responded he would want both facilities, however, over 50% of Montana veterans live within 135 miles of Ft. Harrison.

Closing by Sponsor:

REP. PAVLOVICH closed.

EXECUTIVE ACTION ON HJR 6

Motion/Vote: REP. HAYNE MOVED HJR 6 DO PASS. Motion carried unanimously.

Discussion:

REP. ROSE requested a letter from the committee be attached to the resolution encouraging immediate response. REP. SIMPKINS said he would check into the appropriate procedure.

HEARING ON HB 317

Opening Statement by Sponsor:

REP. BOB GILBERT, House District 22, Sidney, introduced HB 317 which would establish a framework for conducting negotiated rule-making. He explained the purpose of the bill as providing a process to involve the public in administrative rule-making for complicated issues. He said this process would not substitute for normal public notification and participation. He reviewed the provisions of the bill. REP. GILBERT noted the bill has minimal fiscal impact and described the bill's benefit as providing a more open process with less likelihood for litigation after rules are made.

Proponents' Testimony:

Jim Jensen, Executive Director, Montana Environmental Information Center, stated there has been a nationwide attempt to deal with natural resources issues with processes similar to the proposed negotiated rule-making. He said he was currently serving on a federal advisory committee dealing with mining wastes, and this process had allowed them to move beyond confrontation and possible litigation. He said the process facilitated discussion among interested parties and suggested Montana agencies need to have this tool for their rule-making process.

Opponents' Testimony: None.

Informational Testimony:

Matthew McKinney said he had ten years experience in studying, designing, and serving as a facilitator for processes similar to the one proposed. He offered to answer questions.

Questions From Committee Members and Responses:

REP. ROSE referred REP. GILBERT to a provision, line 8, page 13, for grants and gifts to agencies to fund the negotiated rule-making process. He expressed his discomfort with agencies receiving gifts. REP. GILBERT responded the bill set out guidelines for the acceptance of gifts and grants. He said it was not uncommon for the government to accept gifts and grants, and it reduced the burden to the taxpayer. REP. GILBERT stated the gifts and grants would further public involvement by funding the process.

REP. WALLIN asked REP. GILBERT if negotiated rule-making was similar to mandated arbitration. REP. GILBERT stated this process was in lieu of arbitration and was completely different from arbitration. With arbitration one individual makes all final decisions; negotiated rule-making allows a committee to make decisions with the help of an impartial facilitator.

REP. GALVIN asked REP. GILBERT whether the bill applied only to the executive branch. REP. GILBERT said it applied to all departments. REP. GALVIN asked how broad the negotiated rule-making committee's authority would be. REP. GILBERT responded the committee would be advisory only and would have no legislative powers. REP. GALVIN asked how broad the bill's authority would be. REP. GILBERT said the committee would not be a legislative committee; the committee would be advisory to agencies and would simply serve as an agency tool in their rule-making process. He emphasized it was a way of making agency rule-making an open rather than closed process. REP. GALVIN sought further assurance the committee would not be able to change the intent of legislation. REP. GILBERT assured him that would not happen.

REP. RICE asked REP. GILBERT whether the administrative code committee has oversight on rule-making and would correct any rules which changed the intent of legislation. REP. GILBERT responded that if the rule-making moves outside the limits of the law, the administrative code committee notifies the agency, and the agency must amend its rules. He explained the Montana Administrative Procedures Act which sets up the rule-making authority is very broad under the Montana constitution. He said sometimes agencies pass rules on particular issues which almost change the intent of the legislation. He suggested this was another good reason for the negotiated rule-making process because it would allow problems to be resolved ahead of time.

REP. SQUIRES asked REP. GILBERT how the public would access the negotiated rule-making process. REP. GILBERT responded under current practice, agencies send out public notice. He said he knew from experience the current public notice process is frequently not effective in reaching interested parties. He said the public notice law was very clear that notices be provided, but the notices are not distributed as widely as they should be.



He acknowledged that with the proposed negotiated rule-making processing the first step would be for interested parties to be notified. He confessed he was unsure how to ensure such notification. He asserted departments should be required to notify the chief sponsor of a bill before making rules. He suggested when the agency receives a request for the committee, then Section 4 of the bill would become operable and the agency director would determine the need for the committee.

**REP. SQUIRES** said agencies frequently present rules as a completed act, and the result is confrontation.

**REP. SIMPKINS** suggested HB 317 would allow members of the public to go to the governor and ask him to have the agency set up the negotiated rule-making committee.

**REP. GILBERT** said the governor had proposed a similar process for his office which suggests he favors this kind of procedure. He said requests for the process should go to the agency first; if the agency is not responsive, then approaching the governor would be a next step.

**REP. SQUIRES** asked whether there was any way to address notification. **Mr. McKinney** agreed the issue was very important and the intent of the process is to encourage public input into agency rule-making.

**REP. SQUIRES** asked whether under the bill it was her responsibility to notify the agency of her concern or whether it was their responsibility to contact her. **Mr. McKinney** noted the bill does not address the notification problem. He said the initiation of the process was at the discretion of the agency director who should be aware which issues are highly controversial and would benefit from the negotiated rule-making process. He said the public needs to be aware of the intention of agencies to draft rules, and once aware, the public could encourage the agency to use the process. **Mr. McKinney** acknowledged, however, that the agency itself must be accepting of the process and willing to promote its use. **Mr. McKinney** explained this process had existed for about 20 years but was new to the public sector. He said few states were using it, although New Jersey had adopted the process by executive order. He noted three or four years ago the federal government had adopted a negotiated rule-making act which was widely used by the Environmental Protection Agency, Department of Transportation, Health and Human Services and others.

**REP. SIMPKINS** reported that a 30-day advance notice of rule-making was specified in law. He said the administrative code committee was supposed to maintain lists of interested parties for agencies to give advance notice. **REP. SQUIRES** said the law may exist, but she knows from her own experience advance notice does not always occur.

REP. BARNHART asked REP. GILBERT whether HB 317 would have helped in the rule-making on the recycling bill from the last session. REP. GILBERT responded the current process should have addressed the recycling legislation, and regular public hearings should have averted the problems in the rules. He stated the recycling legislation had been misinterpreted by the agency. REP. GILBERT contended the recycling issue was not controversial and probably would not have triggered the negotiated rule-making process. He explained the bill is not trying to replace the current process which should be used in most circumstances; the proposed process would be reserved for statewide, controversial issues.

Closing by Sponsor:

REP. GILBERT said HB 317 had become his favorite issue because it allows public access to government and public input into the creation of rules which will affect citizens' daily lives. He said he perceives a strong need for the bill. REP. GILBERT concluded this process works well in private industry, and he believes it would work well in the public sector.

HEARING ON HB 266

Opening Statement by Sponsor:

REP. SCOTT ORR, House District 2, Libby, introduced HB 266 by request of the Department of State Lands (DSL). The bill would eliminate the requirement that DSL sell land in alternate lots. REP. ORR explained the law had been in place since 1889 with the original intention of ensuring the state would benefit from any appreciation in land value. He related that in 1927, when the land statutes were recodified, the alternate lot requirement was placed in statute and has not been amended since. In 1972 when the new Montana Constitution was adopted, the alternate lot requirement was eliminated from the Constitution, but it has never been deleted from statute. The purpose of HB 266 is to delete the requirement from statute.

Proponents' Testimony:

Jeff Hagener, Administrator, Land Administration Division, Department of State Lands, stated DSL was seeking passage of HB 266 to encourage greater bidding potential on parcels of state land offered for sale within three miles of a city or town. Current law requires DSL to first subdivide tracts into five-acre or less parcels and then sell parcels in alternate lots. He said DSL believes the state could receive higher bids for the parcels if they were able to sell adjacent lots.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. ROSE expressed concern about the sale of state lands and asked Mr. Hagener why the bill was proposed. Mr. Hagener explained that the State Land Board approves all land sales after a public comment process. He said HB 266 would not change the approval process prior to the sale; the bill would take effect only after a sale had been approved. He said the bill was not an effort to increase the number of sales. He reported DSL had recently sold lots near Glendive for the Glendive landfill. Mr. Hagener reported DSL had been required to have two separate sales because they could only sell alternate lots at each sale. Thus, DSL had carried out two sales even though the lots were sold for only one use--the landfill.

REP. GALVIN asked whether selling alternate lots would cause the land to be taxed as farm land. Mr. Hagener responded the law requires the land be subdivided into tracts of five acres or less, and the tax classification would be based on this subdivision and the proposed use of the land. He noted the lots are frequently used commercially.

REP. GALVIN asked whether someone could buy four or five parcels and have a total of 20 acres which would then be taxed at a lower level. John North, attorney, Department of State Lands, responded DSL would be required to sell the land as five-acre tracts; if a buyer purchased four tracts in a row, then all tracts would be included in one certificate of purchase. REP. GALVIN asked whether the larger tract would then be taxed at a lower rate. Mr. North responded if the tax code permits the lower rate, then the lower rate would be in effect.

REP. SIMPKINS said REP. GALVIN was referring to the greenbelt law and asked Mr. North whether he was saying that buying four five-acre tracts would change the five-acre plats into one 20-acre plat. Mr. North responded the buyer could replat the land. REP. GALVIN suggested REP. GILBERT or REP. DOHERTY, who have subdivision bills, be asked about HB 266.

REP. MASON asked Mr. North if the purpose of HB 266 was to give DSL the flexibility to sell adjacent lots. Mr. North agreed.

REP. WALLIN asked whether HB 266 affected the leasing of public lands. Mr. North said he did not understand the question; under state law the lots would have to be offered for bid at an oral auction and anyone could bid.

REP. SCHWINDEN asked REP. ORR if HB 266 should be heard in the natural resources committee. REP. SIMPKINS responded the bill title did not indicate the bill was related to subdivision laws.

REP. SIMPKINS asked Mr. North whether the provisions of the subdivision laws applied to the five-acre lots. Mr. North responded state subdivision laws apply to all state land sales.

REP. SIMPKINS asked whether HB 266 was separate from the subdivision issue, and Mr. North stated they were different issues.

REP. ROSE asked Mr. North whether city zoning provisions applied to the land under consideration. Mr. North said current law requires DSL to divide land into five-acre or less tracts. He said he was unsure whether local zoning laws would override the state requirement on lot size. He reiterated that HB 266 only eliminates the alternate sale requirement.

REP. SQUIRES asked REP. SIMPKINS whether the committee had the option of transferring HB 266 to another committee. She said that based on the testimony she was unwilling to support the bill at this time. REP. SIMPKINS clarified that HB 266 was not a subdivision bill; the bill is trying to comply with the constitutional mandate to DSL to maximize the return they receive on state lands whether by lease, trade, or sale. Current law requires DSL to sell the land in alternate lots; DSL has reason to believe it could receive a greater return if it were to sell adjacent lots.

REP. REHBEIN asked whether the bill could be amended. REP. RICE suggested the discussion had strayed from the question portion of the hearing and asked whether the discussion could be held for executive action.

REP. REHBEIN asked Mr. North whether the bill could be amended to keep tracts from being combined into a 20-acre parcel. Mr. North responded such an amendment would change the purpose of the bill.

Closing by Sponsor:

REP. ORR stated he considered HB 266 a housekeeping bill. He clarified the only change in law being proposed was to eliminate the requirement of selling alternate lots. He said he would be happy to have the bill referred to natural resources but did not consider the transfer necessary.

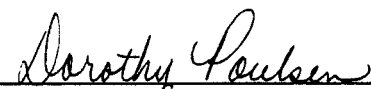
Informational Presentation:

REP. RICE introduced Dr. Pat Edgar, Professor in Political Science at the University of Montana, who made an informal presentation on "Reinventing Government and Communitarianism."

ADJOURNMENT

Adjournment: 11:20 a.m.

  
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DICK SIMPKINS, Chair

  
\_\_\_\_\_  
DOROTHY POULSEN, Secretary


DS/DP

HOUSE STANDING COMMITTEE REPORT

February 2, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report  
that House Bill 217 (first reading copy -- white) do pass.

Signed:   
Dick Simpkins, Chair

HOUSE STANDING COMMITTEE REPORT

February 2, 1993

Page 1 of 2

Mr. Speaker: We, the committee on State Administration report that House Bill 289 (first reading copy -- white) do pass as amended .

Signed: *Dick Simpkins*  
Dick Simpkins, Chair

And, that such amendments read:

1. Title, lines 6 and 7.

Following: "EMPLOYEE" on line 6

Strike: "MUST" through "UNUSED," on line 7

Insert: "IS ENTITLED TO USE"

2. Title, line 9.

Following: "LEAVE;"

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 14.

Following: "(1)"

Strike: "Annual"

Insert: "(a) Except as provided in subsection (1)(b), annual"

4. Page 1, line 19.

Following: "accrued."

Insert: "(b)"

5. Page 1, line 23.

Following: line 22

Insert: "reasonable"

*Q 2/2/93 1:40*

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6. Page 1, line 24.

Following: "forfeited"

Insert: "under subsection (1)(a)"

7. Page 1, line 25 through page 2, line 4.

Following: "denies the" on page 1, line 25

Strike: "employee" through "section" on page 2, line 4

Insert: "request, the excess vacation leave is not forfeited and the employing agency shall ensure that the employee may use the excess vacation leave before the end of the calendar year in which the leave would have been forfeited under subsection (1)(a)"

8. Page 2.

Following: line 16

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

-END-

36 5/1/73  
1140 5/1/73



HOUSE STANDING COMMITTEE REPORT

February 2, 1993

Page 1 of 2

Mr. Speaker: We, the committee on State Administration report that House Bill 292 (first reading copy -- white) do pass as amended .

Signed: *Dick Simpkins*  
Dick Simpkins, Chair

And, that such amendments read:

1. Title, lines 8 and 9.  
Following: "ADOPT" on line 8  
Strike: "BY" through "OF" on line 9  
Insert: "RULES BASED ON"
2. Page 1, line 18.  
Following: "commission"  
Strike: "may"  
Following: "adopt".  
Strike: "those"
3. Page 1, lines 19 through 23.  
Following: "code" on line 19  
Strike: "or" through "code." on line 23
4. Page 2, line 21.  
Following: "commission"  
Strike: "may"  
Insert: "shall"
5. Page 2, line 22.  
Following: "commission"  
Strike: "may" through "discretion,"  
Insert: "shall"

*PH 2/2/93 1:41 PM*

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6. Page 2, line 23.

Following: "rule"

Strike: "revised editions"

Insert: "standards for electrical safety. The standards must be  
based on standards published in the most recent edition"

-END-

*Handwritten:* 2/2/93 114

HOUSE STANDING COMMITTEE REPORT

February 2, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Joint Resolution 6 (first reading copy -- white) do pass .

Signed: *Dick Simpkins*  
Dick Simpkins, Chair

*36 d. 1/2 100/10*

# HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION

COMMITTEE

## ROLL CALL VOTE

DATE 2/2/93 BILL NO. HB 217 NUMBER \_\_\_\_\_

MOTION: Do Pass HB 217

NAME	AYE	NO
REP. DICK SIMPKINS, CHAIR	✓	
REP. WILBUR SPRING, VICE CHAIR	✓	
REP. ERVIN DAVIS, VICE CHAIR		✓
REP. BEVERLY BARNHART		✓
REP. PAT GALVIN		✓
REP. BOB GERVAIS		✓
REP. HARRIET HAYNE	✓	
REP. GARY MASON	✓	
REP. BRAD MOLNAR	✓	
REP. BILL REHBEIN	✓	
REP. SHEILA RICE		✓
REP. SAM ROSE	✓	
REP. DORE SCHWINDEN		✓
REP. CAROLYN SQUIRES		✓
REP. JAY STOVALL	✓	
REP. NORM WALLIN	✓	
TOTAL	9	7 <del>8</del>

EXHIBIT 1  
DATE 2/2/93  
HB 217

Amendments to House Bill No. 292  
First Reading Copy

For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger  
February 1, 1993

1. Title, lines 8 and 9.  
Following: "ADOPT" on line 8  
Strike: "BY" through "OF" on line 9  
Insert: "RULES BASED ON"

2. Page 1, line 18.  
Following: "commission"  
Strike: "may"  
Following: "adopt".  
Strike: "those"

3. Page 1, lines 19 through 23.  
Following: "code" on line 19  
Strike: "or" through "code." on line 23

4. Page 2, line 21.  
Following: "commission"  
Strike: "may"  
Insert: "shall"

5. Page 2, line 22.  
Following: "commission"  
Strike: "may" through "discretion,"  
Insert: "shall"

6. Page 2, line 23.  
Following: "rule"  
Strike: "revised editions"  
Insert: "standards for electrical safety. The standards must be  
based on standards published in the most recent edition"

EXHIBIT 2  
DATE 2/2/93  
HB 292

Amendments to House Bill No. 289  
First Reading Copy

Requested by Rep. Chase Hibbard  
For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger  
February 1, 1993

1. Title, lines 6 and 7.

Following: "EMPLOYEE" on line 6

Strike: "MUST" through "UNUSED," on line 7

Insert: "IS ENTITLED TO USE"

2. Title, line 9.

Following: "LEAVE;"

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 14.

Following: "(1)"

Strike: "Annual"

Insert: "(a) Except as provided in subsection (b), annual"

4. Page 1, line 19.

Following: "accrued."

Insert: "(b)"

5. Page 1, line 23.

Following: line 22

Insert: "reasonable"

6. Page 1, line 24.

Following: "forfeited"

Insert: "under subsection (a)"

7. Page 1, line 25 through page 2, line 4.

Following: "the" on page 1, line 25

Strike: "employee" through "section" on page 2, line 4

Insert: "request, then the excess vacation leave is not forfeited and the employing agency shall ensure that the employee may use the excess vacation leave before the end of the calander year in which the leave would have been forfeited under subsection (a)"

EXHIBIT 3

DATE 2/2/93

1 HB 289

HB028902.ash

# NFIB Montana

National Federation of  
Independent Business

TESTIMONY  
OF  
RILEY JOHNSON, STATE DIRECTOR  
THE NATIONAL FEDERATION OF INDEPENDENT BUSINESS  
JANUARY 27, 1993

STATE ADMINISTRATION COMMITTEE  
MONTANA HOUSE OF REPRESENTATIVES

RE: HB-217

Please excuse my inability to appear this morning before your committee on HB-217. Hopefully you can accept this statement as our support for Rep. Hanson's bill HB-217.

NFIB/MT represents over 8,600 Montana small businesses. It sets its legislative position by vote of its members. The volume of legislative bills has been a concern of NFIB/MT for some time. So, on our 1992 NFIB/MT State Ballot we asked a question about limiting the number of bills introduced in the Legislature. (A copy of that ballot question is attached)

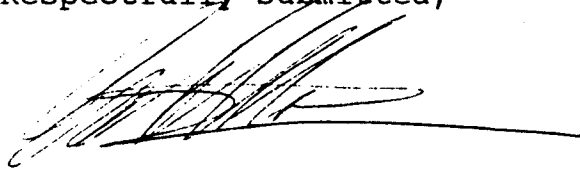
While the question is not exactly along the lines of Rep. Hanson's bill, I believe it is indicative of the mood and desires of Montana's small business community as to the question of limiting bill introduction. An 81% favorable response indicates a strong position that our members want something done about this problem.

NFIB/MT urges this committee to move favorably on HB-217 and recommend a "DO PASS" to the House of Representatives.

Thank you for your time.

Respectfully Submitted,

State Office  
491 S. Park Ave.  
Helena, MT 59601  
(406) 443-3797

  
Riley Johnson  
State Director

CC: Rep. Hanson



The Guardian of  
Small Business

EXHIBIT 4  
DATE 2/2/93  
HB 217

## COMMENTS



Good Morning MR Chairman & committee members

My name is John F. Sloan, I'm a 47 year <sup>part time</sup> member of the American Legion VFW and a Life Member of the DAV and Military Order of the Purple Heart.

Having served for 40 years as the DAV Natl S.O. at VA Center Fort Harrison Mt. ~~and~~ as a Veterans Advocate, I had the privilege of setting up over 20000 office files on veterans who had ~~appointed~~ <sup>designated</sup> the DAV to represent them - on matters relating to VA benefits ~~which~~ <sup>which</sup> is a free service to all veterans.

I also had the privilege of serving as a member of the National Advisory Council of the United States Senate Committee on veterans affairs under the chairmanship of the Honorable Vance Hartke of California

I'm here to strongly support House Joint Resolution #6 we feel that the 108000 living veterans of Montana are just as entitled to proper VA nursing home care as veterans living in Calif, Florida, New York, Texas, or other more populated states.

Nothing equals more than an aging veteran who's never asked his country for anything, never failed to honor God and flag he fought under, and who now is being turned away from the care he is in need of as at ~~the~~ <sup>in</sup> WWII.

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The N.H.  
Fort Harrison  
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Mike Mans  
became  
advisor to  
part in  
79. So we  
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out

You know 33,226,000 veterans <sup>have</sup> served this Nation  
and 20,564,000 are still living, from WW I  
WW II, the Korean conflict, Viet Nam <sup>Grenada, Panama</sup> and  
through the Persian Gulf War. So you can  
see our aging veterans are dying like flies.  
In the meantime VA services have dwindled  
to an all time low and have been going down  
hill ever since the retirement of General  
Omar Bradley the VA Administrator of  
Veterans Affairs <sup>who</sup> had earned the title of  
the entitled veterans General <sup>during WW II and</sup> he was so  
popular that the Bureau of the Budget  
didn't want to ~~fight~~ <sup>fight</sup> with him as they knew he  
had President Harry Truman <sup>fully</sup> backing!  
Since that time a large part of the Infamous  
Hoover Commission Report to dismantle the VA has  
taken place and there are many in the US Congress  
now who favor eliminating the current health care  
system and treating veterans like welfare recipients.  
Our <sup>Federal</sup> Government Officials have over the years instigated  
sweeping across-the-board reductions and elimination  
in virtually every single benefit program administered  
by the VA, and The Office of Management and Budget  
and OMB -- with its Anti-Veteran History... Has  
encountered no effective opposition from the VA  
~~Each~~ new Dawn brings veterans and dependents a step  
closer to "Veterans Dooms Day" by proclamation of  
the Liberal <sup>in the</sup> D.C. Bureaucrats.

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

State Administration COMMITTEE BILL NO. HB 266  
DATE 2/2/93 SPONSOR(S) Rep. ORR  
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
John North	DSL	✓	
Jeff Heger	DSL	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS  
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.